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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAAC ESTRADA and JOSHUA DEPUCCI,

Defendants.

**CASE NO. 3:23-CR-00166-VC**

**MEMORANDUM IN SUPPORT OF UNITED  
STATES' MOTION FOR DETENTION OF  
DEFENDANT ESTRADA**

1 **I. INTRODUCTION**

2 Isaac Estrada is a flight risk and a danger to the community. From what the government knows  
3 about Estrada,<sup>1</sup> he was born in Honduras in 1999 and has no known significant ties to the Bay Area  
4 community. What is known about Estrada's ties to the community is that he came to the United Nations  
5 Plaza area in San Francisco's Tenderloin neighborhood—a high-crime area that has been devastated by  
6 the fentanyl crisis—to sell fentanyl and methamphetamine, amongst other controlled substances. There  
7 are no conditions or combinations of conditions that will reasonably assure Estrada's appearance for  
8 trial. The government respectfully requests that the Court order the defendant detained pending trial.

9 **II. FACTUAL BACKGROUND**

10 Estrada is believed to be 23 years old and was born in Honduras.

11 On April 25, 2023, San Francisco Police Department (SFPD) officers were in the area of Hyde  
12 Street and Fulton Street near the Asian Art Museum in the Tenderloin. Officers observed three narcotics  
13 transactions where Estrada engaged in the hand-to-hand sales, working in concert with Joshua Depucci  
14 who was holding the drugs in his backpack.

15 First, the officers observed Estrada as he appeared to buy a pair of pants (likely stolen because  
16 they still had a white security sensor clipped to them) and put those pants in a backpack Depucci was  
17 wearing. Officers believe Estrada bought those pants off an unknown male in exchange for a pill  
18 believed to be alprazolam. Second, officers observed Estrada motion for Depucci to come sit near him  
19 so he could retrieve suspected fentanyl from the backpack Depucci was wearing and sell it to an  
20 individual for an unknown amount of U.S. currency. Third, officers observed a similar transaction  
21 where Estrada retrieved a small amount of white substance and a green scale from the backpack Depucci  
22 was wearing and hand a measured amount of substance to an unknown female.

23 Officers arrested Estrada and Depucci. In Depucci's backpack, officers found various bags and  
24 pill bottles containing suspected narcotics, empty plastic bags, and a green scale. On Estrada's person,

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<sup>1</sup> At the June 15, 2023, the government will request that Pretrial Services prepare a full bail study. The government does not yet know the full extent of Estrada's ties to the Bay Area community or the lack of any such ties.

officers found \$363 in U.S. currency. Police officers performed presumptive testing using a TruNarc device on the substances found in Depucci's backpack. The results included:

- 254.6 grams gross, presumptive positive fentanyl
- 260.3 grams gross, presumptive positive methamphetamine
- 10.6 grams gross, presumptive positive cocaine base
- 20.1 grams gross, suspected heroin
- 20.6 grams gross, suspected alprazolam

In summary, Estrada, working in concert with Depucci, possessed with the intent to distribute approximately 250 grams of suspected fentanyl and approximately 260 grams of methamphetamine (among small amounts of other narcotics, including suspected cocaine base and heroin).

The SFPD report of Estrada's April 23, 2023 arrest shows no listed phone number, home address, nor work address for Estrada.

### III. LEGAL STANDARD

Under the Bail Reform Act of 1984, the Court must detain a defendant before trial without bail where "the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person in the community." 18 U.S.C. § 3142(e)(1). Detention is appropriate where a defendant is either a danger to the community or a flight risk; the government need not prove that both factors are present. *See United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). A finding that a defendant is a danger to the community must be supported by clear and convincing evidence, but a finding that a defendant is a flight risk need only be supported by a preponderance of the evidence. *See id.*

"[T]he Bail Reform Act mandates an individualized evaluation guided by the factors articulated in [18 U.S.C.] § 3142(g)." *United States v. Diaz-Hernandez*, 943 F.3d 1196, 1199 (9th Cir. 2019). Those factors are: (i) the nature and circumstances of the offense charged; (ii) the weight of the evidence against the defendant; (iii) the history and characteristics of the defendant, including the defendant's character, physical and mental condition, family and community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, as well as whether the crime was committed while the defendant was on probation or parole; and (iv) the nature

1 and seriousness of the danger to any person or to the community that would be posed by the defendant's  
2 release. *See* 18 U.S.C. § 3142(g); *United States v. Winsor*, 785 F.2d 755, 757 (9th Cir. 1986).

#### 3 **IV. ARGUMENT**

4 Pretrial detention is appropriate because the defendant is a danger to the community and a  
5 significant flight risk.

##### 6 **A. The Defendant Is a Danger to the Community.**

7 The nature and circumstances of the offense demonstrate that Estrada is a danger to the  
8 community. Selling dangerous narcotics, like fentanyl and methamphetamine, poses a danger to the  
9 community. *See, e.g., United States v. Alfonso Ramos*, No. 3:20-mj-71799-MAG-1, 2020 WL 7714535,  
10 at \*3 (N.D. Cal. Dec. 29, 2020) (sale of eight ounces of fentanyl showed defendant posed a danger to the  
11 community because “[f]entanyl is among the most dangerous and deadly illegal drugs”). Moreover,  
12 Estrada worked in concert with Depucci to sell these drugs in the Tenderloin. That Estrada involved  
13 others in his criminal activity multiplies the damage that he could inflict by also working in concert with  
14 others to sell narcotics.

##### 15 **B. The Defendant Poses a Significant Flight Risk.**

16 Estrada has no known significant ties to the community and may have strong personal ties to  
17 Honduras. The SFPD report of Estrada's April 23, 2023 arrest shows no listed phone number, home  
18 address, nor work address for Estrada.

19 When he was arrested, Estrada had on him \$363 in cash. Additionally, Estrada and Depucci  
20 possessed substantial quantities of fentanyl and methamphetamine that have significant street value  
21 through illegal distribution. If released, Estrada could flee to family homes abroad, and he appears to  
22 have the means to do so. When the alternative may be incarceration after a criminal conviction, it seems  
23 Estrada very well could choose to flee.

24 Finally, the weight of the evidence and the potential sentence here increase the risk that Estrada  
25 might flee. Strong evidence of the defendant's guilt “make it more likely that he will flee,” because the  
26 defendant has less incentive to stay and litigate the case. *United States v. Gebro*, 948 F.2d 1118,1122  
27 (9th Cir. 1991). Here, police officers observed Estrada engage in multiple narcotics transactions in plain  
28 view using the drugs possessed by them in Depucci's backpack. Large quantities of fentanyl and

1 methamphetamine were recovered from that backpack. In sum, the preponderance of the evidence here  
2 shows that Estrada is a flight risk.

3 **V. CONCLUSION**

4 There are no set of conditions that will reasonably assure the appearance of the defendant at  
5 court proceedings or ensure the safety of the community. For the foregoing reasons, the government  
6 requests that Estrada be detained pending trial.

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8 DATED: June 15, 2023

Respectfully submitted,

9 ISMAIL J. RAMSEY  
United States Attorney

10  
11 /s/ Christopher J. Carlberg  
12 CHRISTOPHER J. CARLBERG  
Special Assistant United States Attorney  
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